## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

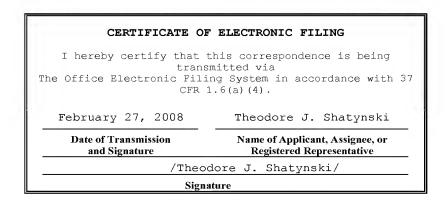
Applicants : Michael Slivka et al. Confirmation No. 7650

Serial No. : 10/676,868 Art Unit: 1651

Filed : September 30, 2003 Examiner: L.B. Lankford, Jr.

For : METHODS FOR TREATMENT OF DEFECTS IN THE

INTERVERTEBRAL DISC



Mail Stop Appeal Brief-Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

## **RESPONSE TO NOTIFICATION OF NON-COMPLIANT**

## **APPEAL BRIEF (37 C.F.R. 41.37)**

Dear Sir:

This is in response to the Notification of Non-Complaint Appeal Brief mailed February 14, 2008 for which a response is due by March 14, 2008. Accordingly, this response is timely filed.

S.N. 10/676,868 DEP-5170USNP

This response identifies the status of all claims on appeal as follows:

## 3. <u>STATUS OF CLAIMS</u>

3.1 Claims 1, 4-12 and 14-41 stand rejected under 35 U.S.C. §112 as failing to comply with the enablement requirement. Claims 1, 4-12, and 14-41 are being appealed.

S.N. 10/676,868 DEP-5170USNP

Reconsideration of this appeal in view of the appropriate correction is respectfully requested.

The Commissioner is hereby authorized to charge the fees required under 1.171(f) for any additional fees which may be required, or credit any overpayment to Account No. 10-0750/DEP-5170USNP/TJS.

Respectfully submitted,

/Theodore J. Shatynski/ Theodore J. Shatynski Reg. No. 36,676

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Dated: February 27, 2008 Customer No. 000027777